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**FINAL RCRA HAZARDOUS WASTE PERMIT ISSUED PURSUANT TO RCRA AND
THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984**

Permittee: **SHELL CHEMICAL YABUCOA INC.
(Formerly Puerto Rico Sun Oil Company LLC)
P. O. Box 186
Yabucoa, Puerto Rico 00767-0186**

Facility Location: **Adjacent to the Caribbean Sea and Santiago and Lajas Creeks
(Approximately two miles east of Yabucoa)
Road 901, Kilometer 2.7
Camino Nuevo Ward
Yabucoa, Puerto Rico**

EPA Facility I.D. Number: **PRD 090 074 071**

Effective Date: November 7, 2005

Expiration Date: November 7, 2015

This permit is issued by the United States Environmental Protection Agency ("EPA") to Shell Chemical Yabucoa Inc. (the "Permittee" or "Shell"), under the authority of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), Subtitle C, and the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), 42 U.S.C. §§ 6921-6939e (referred to collectively as "RCRA"), and EPA regulations thereto. This is a RCRA hazardous waste storage permit that authorizes the operation and expansion of one hazardous waste storage area at a crude oil refinery (the "Facility") owned and operated by the Permittee in Yabucoa, Puerto Rico. Specifically, this Permit allows for the storage of hazardous waste in an on-site regulated hazardous waste management unit (ie., the Container Storage Area, also known as the Hazardous Waste Storage Area ("HWSA")) prior to shipment of the waste off site for treatment and/or disposal. The Permit also requires corrective action for all releases of hazardous waste and/or hazardous constituents from any Solid Waste Management Unit (SWMU) at the Facility. Specifically, the Permit requires Shell to perform investigative and corrective action activities at some of the sixteen (16) Solid Waste Management Units (SWMUs) at the Facility, plus a newly identified SWMU. Determinations that no further action is required have been made for other areas of the Facility, as identified in Condition A.4.c. and e. of Module 3, based on currently available information and data.

In accordance with this Permit, the Permittee is required to:

- 1) Operate the Facility's HWSA and all containers therein in conformance with the requirements of 40 CFR Part 264, Subpart I;

- 2) Maintain and operate the HWSA's containment system in accordance with the requirements of 40 CFR §264.175;
- 3) Maintain and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
- 4) Store for greater than 90 days only those hazardous wastes identified in the permit, and accept no hazardous wastes from off-site sources, unless this permit is subsequently modified pursuant to 40 CFR Part 270, Subpart D;
- 5) Control air pollutant emissions from HWSA containers by complying with applicable organic air emissions requirements for containers as set forth in 40 CFR Part 264 Subpart CC, including §§264.1082 and 264.1086;
- 6) Complete partial and final closure activities in accordance with the Facility's EPA-approved closure plan within one hundred and eighty (180) days after receiving the final volume of hazardous or nonhazardous waste at the HWSA and properly dispose of or decontaminate contaminated equipment, structures, and soils as required by 40 CFR §264.114;
- 7) As an interim corrective measure, continue monitoring free product hydrocarbon (FPH) and operate the existing recovery program (ie., "bailing") until one of the following, whichever comes first: (1) EPA makes a determination pursuant to Section B.6. of Module III of the Permit, that a more aggressive interim corrective measure is required and such interim corrective measure is implemented; (2) final remedies are selected and implemented according to the procedures outlined in Permit Condition F. of Module III; or (3) until EPA determines that all recoverable FPH has been removed from subsurface and EPA formally indicates its concurrence with discontinuance of recovery operations.
- 8) Submit to EPA signed quarterly progress reports of all corrective action activities performed pursuant to this Permit (i.e., Solid Waste Management Unit [SWMU] Assessments, Interim Measures, Corrective Measures Study) and including all other information EPA deems necessary for proper management of corrective action activities;
- 9) Implement additional sampling and analysis efforts as required under this Permit. These efforts may include ongoing groundwater monitoring and additional sampling of surface water and/or sediment in the creeks.

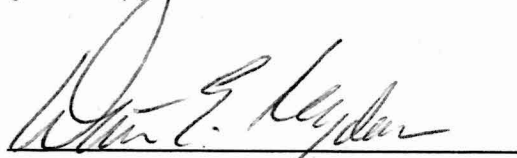
- 10) Comply with applicable land disposal restrictions.
- 11) Take other actions as required by the Permit and comply with other applicable statutory or regulatory requirements imposed pursuant to RCRA.

The Permittee must comply with all the terms and conditions of this Permit. This Permit consists of the conditions contained in Modules I through VII, including the following Attachments to the Permit: Module II, Attachments II-1 through II-7; Module III, Attachments III-1 through III-5; Module IV, Attachments IV-1 through IV-3; Module VI, Attachment VI-1, and Module VII, Attachment VII-1; and the applicable regulations contained in 40 CFR Parts 124, 260 through 265, 268, 270 and 279. Applicable regulations are those which are in effect on the date of issuance of this Permit. A permit may be modified, however, to incorporate new regulations pursuant to 40 CFR §270.41(a)(3) and 40 CFR §270.32(c). All documents referred to in the Permit are incorporated into the Permit by reference.

The issuance of this Permit is based on the assumption that the information provided in the Permittee's May 8, 2002 Final Part B Permit Application, as modified by the May 11, 2002 revision and supplemented by the official Subpart CC air emissions table provided to EPA on September 6, 2002 (the "Application"), is accurate, and the hazardous waste storage area will be expanded and/or operated as specified in the application.

The Permit is also based, in part, on the provisions of Section 206, 212 and 224 of HSWA, which modify Sections 3002, 3004 and 3005 of RCRA. The Permittee's failure in the Application or during the permit issuance process to disclose fully any relevant fact, or the Permittee's misrepresentation of any relevant fact at any time may be grounds for the termination, revocation and reissuance, or modification of this Permit pursuant to 40 CFR §§270.41, 270.42 and 270.43, and for potential enforcement action. The Permittee must inform EPA of any deviation from or changes in any information submitted to EPA, including any which would affect the Permittee's ability to comply with the applicable statutes, regulations or permit conditions.

The Permit is effective as of November 7, 2005 and shall remain in effect until November 7, 2015, unless revoked and reissued, modified, or terminated in accordance with 40 CFR §§270.41, 270.42, or 270.43, or continued in accordance with 40 CFR §270.51(a).



Walter E. Mugdan, Director
Division of Environmental Planning and Protection
U.S. Environmental Protection Agency, Region 2

Sept. 30, 2005
Date